

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

<b>BRADLEY J. SCHAUFENBUEL; et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>Case No. 09-CV-1221</b>
<b>v.</b>	)	
	)	
<b>INVESTFORCLOSURES FINANCIAL, L.L.C.; et al.,</b>	)	<b>Judge Leinenweber</b>
	)	
	)	<b>Magistrate Judge Nolan</b>
	)	
<b>Defendants.</b>	)	

**LR 37.2 CERTIFICATION OF JOEL M. WEINER**

I, Joel M. Weiner, an attorney and co-counsel for PlaintiffS, hereby certify as follows:

1. On Friday, September 04, 2009, 10:30 a.m., I participated in the conference call with Robert C. Thurston, Russell Baker and Charles Dunlop to meet and confer on discovery disputes. (A true and correct copy of the conference call log is attached hereto as Exhibit A.)

2. I called from telephone number 847-705-3838 and joined the conference call at approximately 10:25 a.m. central time and I was the last one to hang up from the call. (See Exhibit A.)

3. Throughout the entire call, Messrs. Dunlop and Baker interrupted or tried to talk over Mr. Thurston when he was speaking. In fact, throughout the call Mr. Dunlop was very antagonistic and spoke in loud tones.

4. On two occasions, Mr. Thurston interrupted either Mr. Dunlop or Mr. Baker, but then stopped and apologized for the interruption in each instance.

5. Mr. Baker confirmed that his clients do not have a burden of proof in the preliminary injunction phase of the case. He also confirmed that his clients are not targets of the relief sought by the preliminary injunction.

6. When discussing Plaintiffs' responses to Defendants' discovery requests, Mr. Dunlop insisted that Mr. Thurston answer "yes" or "no" whether he was going to change Plaintiffs' responses to the requests. Mr. Thurston attempted to explain the basis for the objections and also that the answers provided were sufficient, but Mr. Dunlop kept cutting such discussions off demanding a "yes" or "no" answer.

7. When it came to Defendants' responses to Plaintiffs' Discovery, Mr. Dunlop wanted to control and run the discussion and then kept interrupting Mr. Thurston when he tried to respond. Mr. Dunlop repeatedly stated that "we wasted over 20 [26] [28] minutes talking about this."

8. Mr. Thurston had requested to audio tape the conference call in an email setting up the call, which I received, but Messrs. Baker and Dunlop refused.

9. Finally, Mr. Thurston was saying that if he was interrupted or shouted over again by Mr. Dunlop that he would terminate the conference call and while saying this Mr. Dunlop interrupted and spoke over him again, so Mr. Thurston hung up. It is my belief that Mr. Dunlop did so intentionally so as to continue the dispute and force Mr. Thurston to file a motion to compel.

10. I believe that Mr. Thurston began the call and conducted himself throughout with the purpose of having a good faith meet and confer discussion.

11. It is apparent to me that attorneys Dunlop and Baker do not intend to engage in a good faith LR 37.2 conference.

12. I make this Certificate to affirm that counsel for Plaintiffs have made good faith efforts to resolve the discovery dispute pursuant to LR 37.2, but opposing counsel has elected not to participate in good faith in such efforts and that Plaintiffs' counsel were never given an opportunity to propose compromises to the disputes.

/s/ Joel M. Weiner

Joel M. Weiner

**TJ Thurston**

**From:** noreply@freeconferencecall.com  
**Sent:** Friday, September 04, 2009 11:10 AM  
**To:** tj@thurstonlawpc.com  
**Subject:** Free Conference Call Detail Report

**EXHIBIT A**

Thank you for using our Free Conference Call service. Below you will find the details for your conference call. If you have any questions regarding this email, please call **(877) 482-5838** or contact customer support at [services@freeconferencecall.com](mailto:services@freeconferencecall.com). Have a nice day!

**Free Conference Call**

PO Box 41069

Long Beach, CA 90853-1069

Tel: 877-482-5838

Fax: 562-437-1422

Date: 09/04/2009

Statement #: 24657672

Dial-in Number: (218) 339-3600

Access Code: 363028

***Free Conference Call Detail Report:***

Call Date	Calling Number	Start Time	End Time	Total Minutes
09/04/2009	847-659-8613	11:26:19 AM	12:08:41 PM	43
09/04/2009	815-459-8442	11:29:32 AM	12:08:45 PM	40
09/04/2009	847-705-3838	11:24:53 AM	12:08:46 PM	44
				Total Minutes: 127 Number of Callers: 3

NOTE: All times in Eastern Daylight Time

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